

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/855,142

Confirmation No. 1124

Applicant: Lincoln, et al.

Filed: May 14, 2001

TC/AU: 2145

Examiner: Azizul Q. Choudhury

Docket No.: 211202 (Client Reference No. F32396US)

Customer No.: 23460

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. §1.8(b)(3) AND MPEP § 512, OR, IN THE
ALTERNATIVE, PETITION TO REVIVE FOR UNINTENTIONAL
ABANDONMENT**

Sir

Applicants' attorneys received a Notice of Abandonment mailed from the U.S. Patent and Trademark Office ("PTO") on October 3, 2007 (copy enclosed) in the above-referenced patent application. The Notice alleges that the PTO did not receive a Reply to the Office Action mailed May 2, 2006. The Notice further states that a Reply filed on July 24, 2007 and received in the Office on August 2, 2007 is not an appropriate response to the aforementioned Office Action because the response period had expired when the referenced Reply was received.

Applicants petition to withdraw the holding of abandonment in this application pursuant to 37 C.F.R. 1.8(b)(3) and MPEP § 512 because a timely Reply was filed to the Office Action mailed May 2, 2006 and to the Communication mailed January 24, 2007. In support of this Petition, Applicant's attorneys state the following.

1. On February 8, 2006, Applicants filed an RCE in order to have a previously unconsidered Amendment considered by the Examiner. (See Exhibit A hereto.)

2. On February 15, 2006, Applicants filed a Request for Interview, requesting an interview prior to issuance of any new Office Action if the Examiner considered the application not to be in condition for allowance following entry of the previously-filed Amendment, now to be considered as a result of the filing of the February 8, 2006 RCE. The Request included a Certificate of Mailing signed by Kathleen N. Grantz, former secretary to the undersigned. (See Exhibit B hereto.)

3. Despite the outstanding Request for Interview, an Office Action was mailed on May 2, 2006. The Office Action did not address the outstanding Request for Interview.

4. On November 2, 2006, Applicants' attorneys filed a Reply to the Office Action mailed on May 2, 2006 and authorized the \$1,020.00 fee for a three-month extension of time to be charged to its Deposit Account No. 12-1216. The Reply included a Certificate of Mailing dated November 2, 2006 signed by Kathleen N. Grantz, former secretary to the undersigned. A copy of the Reply with Certificate of Mailing is enclosed as Exhibit C.

5. Applicants' attorneys also enclosed a postcard receipt with the Reply, which was returned by the PTO bearing the PTO's receipt stamp of "Nov 07 2006" and which evidences receipt of the Reply to Office Action in the PTO. This receipt date appears to be accurate for a document mailed on November 2, 2007. A copy of this postcard is enclosed as Exhibit D. The undersigned additionally certifies that Ms. Grantz made such mailing, as further evidenced by the postcard.

6. Applicants' attorneys note during a review of PAIR that scanned copies of the Extension of Time and the Reply to Office Action mailed November 2, 2006 appear under the Available Documents tab for the application, and both also contain the PTO's receipt stamp of "Nov 07 2006." Copies of these documents are enclosed as Exhibit E.

7. The Reply dated November 2, 2006 (see Exhibit C) properly detailed the reasons that the Office Action of May 2, 2006 was improper. Among other things, the Reply identified the following:

- The May 2, 2006 Office Action issued without the scheduling of an interview as specifically requested by the Applicants. It appears that the Request had been overlooked at the time that the Office Action issued.
- The May 2, 2006 Office Action did not indicate that Applicants' prior remarks had been deemed persuasive, or that the prior rejections had been withdrawn.

The May 2, 2006 Office Action did not provide an explanation as to why the Applicants' remarks and amendments had not been deemed persuasive.

Accordingly, the rejections of the December 21, 2005 Office Action still remain in the file and were repeated in the present Office Action, placing a cloud over the claims. Applicants had no way of determining why the arguments and amendments were not deemed persuasive, however. As set forth in the MPEP at § 707.07(f), the examiner must answer the substance of Applicants' arguments. As a result, the May 2, 2006 Office Action was improper, and should have been withdrawn or supplemented as requested.

- The previously filed Reply to Office Action set forth an extensive recitation of the "Distinctive Features of the Present Invention." The outstanding Office Action does not so much as mention this recitation of the Applicants' previously filed Reply. The MPEP, however, specifically states that "If it is the examiner's considered opinion that the asserted advantages are not sufficient to overcome the rejection(s) of record, he or she should state the reasons for his or her position in the record." *Id.* The outstanding Office Action makes no such mention of the features explained in detail in the prior Reply. Accordingly, Applicants had no way of knowing if such features have been considered, or if such features were considered unpersuasive. As a result, the May 2, 2006 Office Action was improper, and should have been withdrawn or supplemented as requested.
- While the May 2, 2006 Office Action cited new references and has furnished copies of two non-patent references, the copies provided did not show the date of the references. Accordingly, Applicants were unable to access the appropriateness of the references as prior art to the invention. As a result, the Office Action was improper, and should have been withdrawn or supplemented as requested.

8. For each of these reasons, the May 2, 2006 Office Action was improper and remains improper. The Notice of Abandonment does not address the latter three of the bullet points identified above and in the Reply filed November 2, 2006.

9. In its Reply dated November 2, 2006 (see Exhibit C), Applicants refer to their prior observations regarding the Hart reference and applies the same to the Reed reference, therefore providing a substantive response to the rejections cited in the May 2, 2006 Office Action despite the fact that the Office Action itself was improper.

10. On January 24, 2007, the Office issued a Communication requiring the filing of an agenda for an interview (see Exhibit F), response to the Communication being due within 30 days, which deadline was extensible by 5 months.

11. On July 24, 2007, Applicant filed a Reply to Office Communication and Submission of Interview Agenda with the Office. The Reply further included a request for five-month extension of time to respond and authorization to charge deposit account for the fee in the amount of \$2,160.00. That Reply included a proper Certificate of Mailing signed by Jacqueline Vega, a former temporary secretary to the undersigned. (See Exhibit G.) Also included is a return post card evidencing the Office receipt of the Reply on August 2, 2007. Accordingly, Reply to the January 24, 2007 Communication was properly and timely filed.

12. In reviewing PAIR, Applicants' attorneys note that this document appears in the file wrapper of the application with the PTO stamp of "AUG 02 2007" and also contains a stamp reflecting charge of the \$2,160.00 fee to the Deposit Account. A copy of the document printed from PAIR is enclosed as Exhibit H. The undersigned additionally certifies that the same was appropriately mailed by Ms. Vega. If the Reply had not been timely filed, the Office would not have charged the Deposit Account for the \$2,160.00 fee.

13. The Notice of Abandonment asserts that the Office Action of May 2, 2006 was proper regardless of the lack of requested interview. As an initial matter, the undersigned notes that the interview was properly requested on February 15, 2006. While the undersigned respectfully disagrees with the statement that an interview request was not properly filed, the undersigned additionally notes that the properly filed November 2, 2006 Reply to Office Action sets forth numerous reasons for the improper nature of the Office Action in addition to the non-recognition of the outstanding Request for Interview. Those reasons are outlined above in paragraph 7. Among the reasons, the Office Action must answer the substance of Applicants' arguments; the Office Action must specifically state if the asserted advantages are not sufficient to overcome the rejections; and the Office Action did not provide appropriate copies of the non-patent references for assessment by Applicant. Thus, even if

the Office need not have considered the Request for Interview at that time, the Office Action was still improper.

14. The Notice of Abandonment further asserts that the Reply filed November 2, 2006 is not responsive to the May 2, 2006 Office Action. The undersigned respectfully disagrees. Beyond the identifications of the shortcomings of the Office Action necessitating withdrawal or issuance of a supplemental Office Action, the Reply specifically states that the arguments related to the Hart reference are also applicable to the Reed reference. Without an appropriate response to the prior remarks presented by Applicants (as was required by not provided by the Office Action of May 2, 2006), Applicants properly responded.

15. The Notice of Abandonment asserts that the Reply to Office Communication and Submission of Interview Agenda filed July 24, 2007 did not substantively respond to the outstanding Office Action. Applicants respectfully submit that response beyond that provided was not possible without further supplementation of the prior Office Action to comply with the MPEP. Applicants have continually sought guidance from the Office regarding why their arguments have not been deemed persuasive, as well as a dated copy of the cited non-patent references. In order to understand the same, Applicants have submitted an agenda for interview as required by the Communication with the July 24, 2007 Reply.

16. Finally, the Notice of Abandonment asserts that the Reply to Office Communication and Submission of Interview Agenda was not timely filed. Applicants notes that the Reply included a proper, signed Certificate of Mailing and the PTO apparently charged the deposit account of the undersigned a fee of \$2,160. (See Exhibit G.) Clearly, such fee would not have been charged by the Office if the Reply was not properly filed. Accordingly, the Reply to the January 24, 2007 Communication was properly and timely filed.

17. Should the Office require additional evidence or attestation of mailing of Replies, the undersigned would be happy to supply the same.

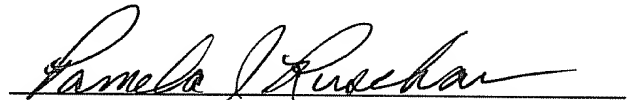
18. In conclusion, Applicants submit that the Notice of Abandonment is improper in that it is based upon inaccurate information, including inaccurate statements that Replies were not timely filed, that the Office Action of May 2, 2006 was proper, and that Applicants did not substantively reply to the May 2, 2006 Office Action. Accordingly, the Notice of

Abandonment is improper and should be withdrawn. Further, a complete Office Action should be provided, and a date should be set for the interview.

Applicants believes that since the abandonment of the application is due to errors made by the PTO, that no fee is due in connection with filing this Petition. However, the Commissioner is authorized to charge a Petition fee in the amount of \$130.00 pursuant to 37 CFR 1.17(h), if appropriate, or any other appropriate fee associated with this communication and to credit any excess payment to Deposit Account No. 12-1216.

Should the Office persist in its position, Applicants alternatively request that this Petition be treated as a Request to Revive Application Due to Unintentional Abandonment, and authorize the Office to charge the fee of \$1,540.00 pursuant to 37 C.F.R. §1.17(m) to Deposit Account No. 12-1216.

Respectfully submitted,



Pamela J. Ruschau, Reg. No. 34,242
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(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: October 16, 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,142	05/14/2001	Adrian David Lincoln	211202	1124
23460 7590 10/03/2007 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731			EXAMINER CHOUDHURY, AZIZUL Q	
To: <u>PJR</u> cc: <u>C. Culleton</u>			ART UNIT PAPER NUMBER	
LVM <u>211202, Vondafone</u>			2145	
			MAIL DATE DELIVERY MODE	
			10/03/2007 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

LEYDIG, VOIT & MAYER
RECEIVED

LAH

OCT 09 2007

PAT/TM Due Date 10-16-07

Petition to Revoke

MPM

Notice of Abandonment

Application No.

09/855,142

Examiner

Azizul Choudhury

Applicant(s)

LINCOLN ET AL.

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 May 2006.
 - (a) ☒ A reply was received on 02 August 2007 (with a Certificate of Mailing or Transmission dated 24 July 2007), which is after the expiration of the period for reply (including a total extension of time of 6 month(s)) which expired on 24 July 2007.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ A reply was received on 8/2/07 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet


JASON CARDONE
SUPERVISORY PATENT EXAMINER

AC

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: On 11/7/06, the applicant filed an amendment without arguing any of the actual rejections issued in the non-final. The principle argument provided within that amendment stated that the interview requested with the RCE was not provided and hence the non-final issued was improper and should be withdrawn. The examiner called the applicant on 11/7/06 notifying them that a non-responsive was being sent (which was mailed 1/24/07) and that the examiner still failed to receive an agenda for the interview. On 8/2/07 the office received an interview agenda but still no arguments to the non-final. In addition, the date on the agenda filed is stamped as being received on 8/2/07 which, is past the 6 month due date.

Express Mail Label No. (if applicable)

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application No.	09/855,142
Filing Date	May 14, 2001
First Named Inventor	Lincoln et al.
Group Art Unit	2145
Examiner Name	Choudhury, Azizul A.
Attorney Docket No	211202
Client Reference No	F32396US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Form PTO-1449
- v. ☐ Copies of References listed in Form PTO-1449
(except for U.S. patents and applications)
- vi. ☐ Other:

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.
- i. ☒ RCE fee of \$790.00 (large entity) required under 37 CFR 1.17(e)
- ii. ☒ Two-month extension of time fee of \$450.00
- iii. ☐ An extension for _____ has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total amount of extension now requested.
- iv. ☒ Petition for an extension of time (including the period noted above, if checked), as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- v. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i))
- vi. ☐ Other:
- vii. ☐ Claim fee

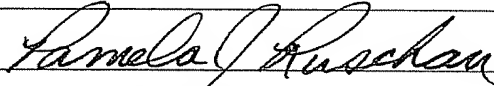
\$790.00
\$450.00

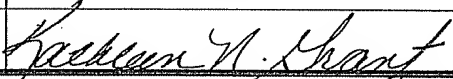
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	4	MINUS	20	= 0	x 25=	\$	x 50=	\$0.00
INDEPENDENT	2	MINUS	4	= 0	x 100=	\$	x 200=	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 180=	\$	+ 360=	\$

Claim fee total \$1,240.00

Total amount to be charged to Deposit Account \$1,240.00

- b. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED			
Name (Print/Type)	Pamela J. Ruschau	Registration No. (Attorney/Agent)	34,242
Signature		Date	February 8, 2006
Address	Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780	Phone	(312) 616-5600 (telephone) (312) 616-5700 (facsimile)

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Kathleen N. Grantz		
Signature		Date	February 8, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/855,142

Applicant: Lincoln et al.

Filed: May 14, 2001

TC/AU: 2145

Examiner: Choudhury, Azizul Q.

Docket No.: 211202 (Client Reference No. F32396US)

Customer No.: 23460

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

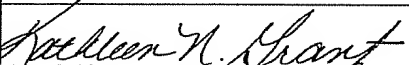
REPLY TO OFFICE ACTION

Sir:

In reply to the Advisory Action dated December 21, 2005 and in further reply to the Office Action mailed September 8, 2005, please enter the following amendments and consider the following remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Kathleen N. Grantz		
Signature		Date	February 8, 2006

AMENDMENTS TO THE CLAIMS

1. – 5 (Cancelled)

6. (Currently Amended) A method of responding to an information request from a client device, the method including the steps of:

receiving the information request from the client device;

wrapping the information request in at least one layer to produce a request packet object;

transmitting the request packet object over a distributed network comprising first and second a plurality of processing nodes; ~~and generating a response packet for transmission back to the client device via the distributed network for responding to the information request, wherein~~

at a the first of said processing nodes, performing analysis of the information request stored on the request packet object to determine whether the first processing node is able to process the information request and generate at least part of the a response data packet which is responsive to said information request; ~~and wherein the first processing node adds adding a routing layer to the request packet object containing routing information relating to a next stage in processing of the request packet object whilst leaving said at least one layer of the request object intact and undisturbed to be performed by the second processing node, the said first processing node determining the routing information contained in the routing layer in dependence upon only the data packet request object content;~~ ~~and~~

at a the second of said processing nodes, performing analysis of the information request stored on the request object to determine whether said second processing node is able to process the information request and generate at least part of the response data which is responsive to said information request; ~~processing the request packet whilst leaving at least one layer of the request packet intact and undisturbed;~~

at least one of said first and second processing nodes processing the information request in the request object and generating at least part of the response data which is responsive to said information request and adding said response data to said request object; and

transmitting back to said client device via said distributed network said request object, including said response data, for responding to the information request;-

~~wherein the step of generating the request response packet object generates the response packet to further includes said information request.~~

7. (Cancelled)

8. (Currently Amended) A ~~network~~ method according to claim 7 ~~6~~, wherein the layers of the data packet object further include at least one layer selected from a group containing client device information, user identification information, and application identification information.

9. (Currently Amended) A system for responding to an information request from a client device, the system including:

wrapping means configured to receive the information request from the client device and wrap the information request in at least one layer to produce a request object packet ;

first and second processing nodes;

transmitting means configured to transmit the request object packet over a distributed network comprising each of said processing nodes; and

~~means configured to generate a response packet for transmission back to the client device via the distributed network for responding to the information request;~~

wherein the first processing node is operable to perform ~~performs~~ analysis of the information request stored on the request object packet to determine whether the first processing node is able to process the information request and generate at least part of the a response data packet which is responsive to the information request, and includes means configured to add a further layer to the request object packet containing routing information relating to a next stage in processing of the request packet to be performed at the second processing node whilst leaving said at least one layer of the request packet intact and undisturbed, the first processing node determining the routing information contained in the routing layer in dependence only upon the request object packet content, ~~and the second processing node processing the request packet whilst leaving said at least one layer of the request packet intact and undisturbed; and~~

wherein the second processing node is operable to perform analysis of the information

request stored on the request object to determine whether said second processing node is able to process the information request and generate at least part of the response data which is responsive to said information request;

means for processing the information request in the request object at at least one of said first and second processing nodes to generate at least part of the response data which is responsive to said information request and for adding said response data to said request object; and

means for transmitting back to said client device via said distributed network said request object, including said response data, for responding to said information request, said request object including said information request.

~~wherein the means configured to generate the response packet generates the response packet to include said information request.~~

10. (New) A system according to claim 9, wherein the layers of the data object further include at least one layer selected from a group containing client device information, user identification information, and application identification information.

This listing of claims replaces all prior versions, and listings, of claims in the application.

*REMARKS/ARGUMENTS**Pending Claims*

Claims 6, 8, 9 and 10 are pending in this application. Claims 1 and 2 (directed to a data packet), and independent claim 7 (directed to a distributed network) have been cancelled without prejudice. Independent claim 6 (directed to a method of responding to an information request) and independent claim 9 (directed to a system for responding to an information request) have been amended to further distinguish their subject matter more clearly from the prior art, and particularly the Hart reference. Dependent claim 8 has been amended to depend from independent claim 7. New dependent claim 10 is dependent from independent claim 9, and corresponds in subject matter to dependent claim 8.

Rejections Under 35 U.S.C. § 102(b)

The Advisory Action mailed December 21, 2005 rejected claims 1, 2 and 6 to 9 under 35 U.S.C. § 102(b) as being anticipated by Hart (U.S. Patent No. 5862344). The Advisory Action asserts that the remarks and amendments of the Reply filed December 2, 2005 were considered, but found unpersuasive.

Summary of Advisory Action

The Examiner's comments in the advisory action are appreciated. In the advisory action it is explained that the processing referred to by Hart in column 3 at lines 20 to 29 is considered to correspond to the processing claimed in now cancelled claim 1, especially if it is considered that Hart discloses enveloping means as referred to by Hart in column 7 at lines 11 to 24.

Column 3, lines 21-29 of Hart specifies as follows:

Broadly the present invention is directed to apparatus and methods which provide processing system network connectivity, and more particularly, which enable data packets to be routed through a processing system network. The processing system network includes a plurality of sub-processing system networks (also called "sub-networks") wherein each sub-network is either a LAN or a WAN and includes at least one node. Each node may either be a processing system or another sub-network.

The passage of Hart referred to by the Examiner in column 7, lines 11-24, specifies as follows:

Routers often add additional information in order to route the data packet through the network. For example, a router might wrap an Ethernet data packet in an "envelope" of data containing routing and transmission information for transmission through an X.25 packet-switched network. When the data envelope passes through the X.25 network, a receiving router strips off the X.25 data, readdresses the Ethernet data packet, and sequences it on its attached LAN segment. Routers may choose from redundant paths between networked segments or may link networked segments using very different data packaging and media accessing schemes.

Further, in the advisory action the claim limitation that the processing node determines the routing information contained in the further layer in dependence upon only the data packet content is discussed. The Examiner explains that he considers the Hart reference to disclose this feature, not by the discussion of the MCAM, but by referring to a router to route data packets in column 7 at lines 11 to 24.

Summary of Problem Addressed by Hart

The Hart reference explains how delays in packet routing are caused by unnecessary "wrapping" of data packets, and seeks to reduce such delays when this "wrapping" is unnecessary, as described in column 2 at line 57 to column 3 at line 18, where it is stated:

"Thus, although the foregoing process is both necessary and effective for processing a data packet routed to the WAN, it is equally unnecessary and ineffective when routing a data packet between LAN nodes. In point of fact the search and retrieval processes performed by the control circuitry when transferring a data packet from one locally connected LAN to another cause significant delays. The delay is compounded by the determination as to whether the data packet requires additional processing. These delays are compounded still further when considering that the portal device may, and often does, receive hundreds, if not thousands, of data packets per second. Many, if not most, of these data packets are queued and routed on a first come, first serve basis. A LAN-to-LAN data packet that is preceded by several data packets requiring

special processing typically is required to wait unnecessarily. This wait curtails portal device throughput and the overall functionality of the processing system network.

Accordingly, there exists a need in the art to substantially eliminate delays associated with routing a data packet between two nodes wherein the data packet requires little or no additional processing.

There exists a further need to substantially eliminate delays associated with routing a data packet from a source LAN to a destination LAN.

There exists a still further need to reduce over-all memory access time associated with searching and retrieving addressing data from the memory of a portal device."

The delay, Hart explains, occurs when data packets are wrapped with routing information, which, while it serves a useful purpose in routing LAN packets across WANs (i.e. Ethernet packets across the Internet of 1995), is superfluous when routing LAN-LAN.

To reduce these delays Hart proposes an arrangement where a centralized Multiple Communications Adapter Module (MCAM) 100 contains a first memory 503 and a second memory 504. The first memory 503 stores addressing data for routing data packets from a source network to one or more destination networks. The second memory 504 stores addressing data for routing data packets between particular selected ones of the source and destination networks. The second memory 504 is a high-speed buffer storage that is continuously updated to contain the most recently addressed contents of the first memory 503 (which is the main memory). The second memory 504 is provided to speed access to frequently used addressing data.

Distinctive Features of the Present Invention

The Examiner is respectfully first asked to consider the limitation present in independent claims 6 and 9 which specify that "said first processing node determining the routing information contained in the routing layer in dependence upon only the request object content". In the arrangement described by Hart, when a data packet is required to be routed to the second sub-network, the MCAM 100 interrogates the first and second memories 503 and 504, which return the address of the node of the second sub-network to which the data packet should be routed. The routing of the data packets is controlled by the centralized MCAM 100. There must

be an entry in the first memory 503 (and sometimes also in the second memory 504) indicating the current address and the final destination address of the relevant data packet. Clearly, the routing performed by the MCAM uses information not present in the data packet, in contrast to the presently claimed invention. As discussed in the present application, maintaining such a database requires a considerable amount of effort - especially when many data packets are being transmitted simultaneously.

Our understanding is that the Examiner considers the disclosure in relation to routers by Hart in column 7 at lines 11 to 24 suggests an alternative way of routing data packets. What Hart describes here is a conventional router. A conventional router is defined, for example, in the Free On-Line Dictionary Of Computing as being:

A device which forwards packets between networks. The forwarding decision is based on network layer information and routing tables, often constructed by routing protocols.

The reference to "routing tables" is significant. As routing tables are used, it is clear that data packets are routed using information outside the data packet, in contrast to the presently claimed invention where the routing information is determined in dependence upon only the request object content.

The passage of Hart in column 7 referred to by the Examiner explains that routers "often add additional information in order to route the data packet through the network", that the router "strips off the X.25 data, readdresses the Ethernet data packet...". However, there is no disclosure by this text (either implicit or explicit) of the routing data being determined in dependence upon only the data packet content. This is simply not disclosed by this passage. In fact, a person skilled in the art, with knowledge of the function of the router, as illustrated above by the dictionary definition provided, would understand that the passage in column 7 of Hart refers to a router that makes reference to a routing table in order to perform routing. Clearly, such routing is not determined in dependence upon only the data packet content.

Thus, there is a clear distinction between the presently claimed invention and the Hart reference. The present invention is fundamentally different to the arrangement disclosed by Hart.

To further emphasise the fundamental differences between the present invention and the Hart reference, claim 1 has been amended to refer to a data object rather than a data "packet". The term "object" is used in the application as originally filed, for example, on page 6 at line 18

and throughout pages 12 and 13. The use of the term "object" emphasises the self-contained nature of the presently claimed request object. The request object is produced by receiving an information request from a client device and wrapping information request in at least one layer. Thus, it should be understood that the request object is self contained and includes comprehensible information request. It is not a data packet of the type described by Hart, such a data packet being one of a multiplicity of data packets that might, together, form a comprehensible and self-contained information item.

Independent claims 6 and 9 explain how the request object is transmitted over a distributed network comprising a plurality of processing nodes. The first processing node performs analysis of the information request stored on the request object to determine whether the first processing node is able to process the information request and generate at least part of response data which is responsive to the information request. Further, as discussed above, the first processing node adds a routing layer to the request object (which routing information is determined in dependence upon only the data object content). A second processing node also performs analysis of the information request stored on the request object to determine whether the second processing node is able to process the information request and generate response data which is responsive to said information request. The first processing node adds the routing layer to the data packet whilst leaving the said at least one layer of the request object intact and undisturbed.

At least one of the first and second processing nodes, the information request in the request object is processed and at least part of response data which is responsive to the information request is generated. The response data is added to the request object.

From the explanation thus far, the further differences between the present invention and the Hart reference should be clear: the present invention allows a request object to be formed that includes an information request from a client device. The request object is self-contained and comprehensible, in itself, to a processing node. The processing node is able to analyse the information request in the request object to determine whether it is able to process the information request and generate response data which is responsive to the information request. If the processing node is able to process the information request it generates the response data responsive to the information request and adds the response data to the request object. Such an arrangement is simply not disclosed or suggested at all by Hart. The only "processing" disclosed by Hart is the adding or stripping away of destination information of a data packet (not an

object), which allows routing of the data packet. There is no disclosure of a client device which produces an information request. There is no disclosure of wrapping information request in at least one layer to produce a request object. It is therefore not possible for the arrangement disclosed by Hart to generate response data which is responsive to an information request from a client device. Further, clearly such response data is not added to the request object.

The presently claimed invention is even further distinguished from the Hart reference in specifying that the request object, including the response data, is transmitted back to the client device via the distributed network for responding to the information request, and which request object includes the information request.

Even if the router disclosed by Hart could be considered to be a "processing node", there is clearly no disclosure of the router performing the claimed "analysis of the information request stored on the request object to determine whether the first processing node is able to process the information request and generate at least part of response data which is responsive to said information request" because there is no information request, received from a client device, disclosed by Hart.

Summary

In summary, in contrast to the arrangement for simply routing a data packet disclosed by Hart, the present invention is concerned with the distributed processing of request objects to respond to an information request on the data packet obtained from a client device. The routing of the request objects is performed in dependence only upon the content of the request object. No central store of addressing data is required.

As recited in the independent claims, first and second processing nodes are provided. The request object holding the information request is analysed by the first processing node (and second processing node) to determine whether that processing node is able to process the information request or not. No such analysis of the client device information request in a request object and determining of whether processing of the information request is possible is disclosed or suggested by Hart. Nor does Hart disclose onward routing of the request object based only on the content of the request object. Even less does Hart teach transmitting back to the client device the request object including response data generated by a processing node and for responding to an information request. Hart refers to the ability of a router to add additional information to a data packet solely to route the data packet through a network. Further, in the

embodiment Hart describes this information is obtained from the central MCAM 100 with reference to the first and/or memories 503 and 504. The description of a router in column 7 of Hart also implicitly requires access to a routing table to route the data packets of Hart. In contrast, in the present application, the routing information that the first processing node provides in the further layer added to the request object is determined by the first processing node in dependence upon the request object content only. No reference is made to a centralised database for routing information. The present invention specifically seeks to avoid this. When processing of the information request has been completed by as many processing nodes as is necessary, response data is generated and held by the request object for use by the originator of the data packet (the client).

In accordance with the present invention, the request objects are essentially self-contained and can be passed from one processing node to another processing node. There is no need to construct and manage a complex database of address data of various information requests submitted by clients. The routing of the request object from one processing node to another processing node is determined by the sending processing node in dependence upon the data request object only.

In this way, the present invention provides an arrangement in which an information request is evaluated by each processing node to determine whether that processing node can process the information request (either wholly or partially). Each node, in addition to adding routing information, may add to the request object information generated as a result of the processing of the request object by the node. This added information may be used by subsequent processing nodes to assist in generating the response data.

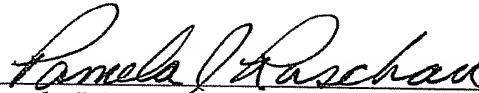
Although in the present invention the client specifies the information request and may specify the location of the first processing node, thereafter the routing and the processing of the information request in the request object are determined by the first processing node and subsequent processing nodes. The need to maintain a centralised database such as the MCAM 100 (or routing table) in Hart is avoided. This makes the arrangement of the present invention highly scaleable.

Conclusion

For the foregoing reasons, the application claims are considered to be in good form for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the

prosecution of the subject application, the Examiner is invited to call the undersigned attorney. Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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(312) 616-5700 (facsimile)

Date: February 8, 2006

Amendment or ROA - Regular (Revised 2005 11 04)

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

MAILED: February 8, 2006
Application Number: 09/855,142
Client: Mathisen, Macara & Co.
In Re Application of Lincoln et al.
Filed: May 14, 2001
Attorney Docket Number 211202
Enclosed: RCE Transmittal Sheet (1 page in duplicate)
Response to Office Action (12 pages); and return postcard
PJR/kg

LAH

JC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/855,142

Applicant: Lincoln et al.

Filed: May 14, 2001

TC/AU: 2145

Examiner: Choudhury, Azizul Q.

Docket No.: 211202 (Client Reference No. F32396US)

Customer No.: 23460

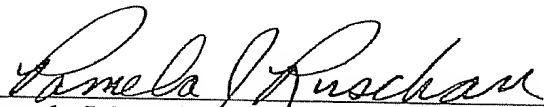
Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR INTERVIEW

Sir:

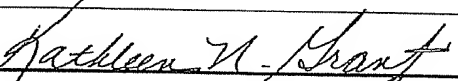
Should the Examiner find that the application is not yet in condition for allowance, the applicants request an interview with the Examiner prior to the issuance of the next Action.

Respectfully submitted,

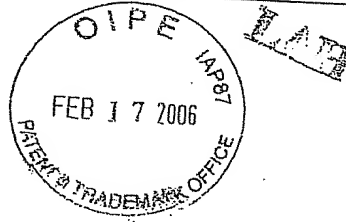


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Date: February 15, 2006

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number , <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Kathleen N. Grantz		
Signature		Date	February 15, 2006

MAILED: February 15, 2006
Application Number: 09/855,142
Client: Mathisen, Macara & Co.
In Re Application of Lincoln et al.
Filed: May 14, 2001
Attorney Docket Number 211202
Enclosed: Request for Examiner Interview (2 pages); and return
postcard.
PJR/kg



JMG

In re Application of: Lincoln et al.

Application No. 09/855,142

Filed: May 14, 2001

For: A Method And Apparatus For Asynchronous Information Transactions

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a reply to office action in the subject application.

- ☐ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- ☐ Other:
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

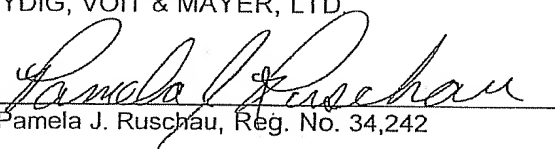
					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE			three-month		\$ 0.00		\$1,020.00	
subtract time extension fee previously paid			none		(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	4	MINUS	20	= 0	x 25 =	\$	x 50 =	\$0.00
INDEPENDENT	2	MINUS	3	= 0	x 100 =	\$	x 200 =	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 180 =	\$	+ 360 =	\$
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$	TOTAL	\$1,020.00

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD

By


 Pamela J. Ruschau, Reg. No. 34,242

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/855,142

Applicant: Lincoln et al.

Filed: May 14, 2001

TC/AU: 2145

Examiner: Choudhury, Azizul Q.

Docket No.: 211202 (Client Reference No. F32396US)

Customer No.: 23460

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

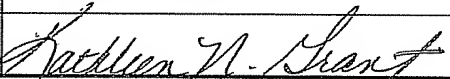
REPLY TO OFFICE ACTION

Sir:

In reply to the Office Action mailed May 2, 2006, please consider the following remarks.

Listing of Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number , <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Kathleen N. Grantz		
Signature		Date	November 2, 2006

CLAIMS

1. – 5 (Cancelled)

6. (Previously Presented) A method of responding to an information request from a client device, the method including the steps of:

receiving the information request from the client device;

wrapping the information request in at least one layer to produce a request object;

transmitting the request object over a distributed network comprising a plurality of processing nodes;

at a first of said processing nodes, performing analysis of the information request stored on the request object to determine whether the first processing node is able to process the information request and generate at least part of a response data which is responsive to said information request, and adding a routing layer to the request object containing routing information relating to a next stage in processing of the request object whilst leaving said at least one layer of the request object intact and undisturbed, said first processing node determining the routing information contained in the routing layer in dependence upon only the request object content;

at a second of said processing nodes, performing analysis of the information request stored on the request object to determine whether said second processing node is able to process the information request and generate at least part of the response data which is responsive to said information request;

at least one of said first and second processing nodes processing the information request in the request object and generating at least part of the response data which is responsive to said information request and adding said response data to said request object; and

transmitting back to said client device via said distributed network said request object, including said response data, for responding to the information request;

wherein the request object further includes said information request.

7. (Cancelled)

8. (Previously Presented) A method according to claim 6, wherein the layers of the data object further include at least one layer selected from a group containing client device information, user identification information, and application identification information.

9. (Previously Presented) A system for responding to an information request from a client device, the system including:

wrapping means configured to receive the information request from the client device and wrap the information request in at least one layer to produce a request object;

first and second processing nodes;

transmitting means configured to transmit the request object over a distributed network comprising each of said processing nodes;

wherein the first processing node is operable to perform analysis of the information request stored on the request object to determine whether the first processing node is able to process the information request and generate at least part of a response data which is responsive to the information request, and includes means configured to add a further layer to the request object containing routing information relating to a next stage in processing of the request packet to be performed at the second processing node whilst leaving said at least one layer of the request packet intact and undisturbed, the first processing node determining the routing information contained in the routing layer in dependence only upon the request object content;

wherein the second processing node is operable to perform analysis of the information request stored on the request object to determine whether said second processing node is able to process the information request and generate at least part of the response data which is responsive to said information request;

means for processing the information request in the request object at at least one of said first and second processing nodes to generate at least part of the response data which is responsive to said information request and for adding said response data to said request object; and

means for transmitting back to said client device via said distributed network said request object, including said response data, for responding to said information request, said request object including said information request.

10. (Previously Presented) A system according to claim 9, wherein the layers of the data object further include at least one layer selected from a group containing client device information, user identification information, and application identification information.

This listing of claims replaces all prior versions, and listings, of claims in the application.

*REMARKS/ARGUMENTS**Pending Claims*

Claims 6, 8, 9 and 10 are pending in this application. It is respectfully submitted that independent claim 6 (directed to a method of responding to an information request) and independent claim 9 (directed to a system for responding to an information request), as well as dependent claims 8 and 10 depending therefrom, respectively, are patentable over the cited references. Reconsideration is respectfully requested in view of the following remarks and a telephonic interview previously requested.

Prior Amendment, Office Action, and Request for Interview

The Advisory Action mailed December 21, 2005 rejected claims 1, 2 and 6 to 9 under 35 U.S.C. § 102(b) as being anticipated by Hart (U.S. Patent No. 5862344). The Advisory Action mailed September 8, 2005 asserted that the remarks and amendments of the Reply filed December 2, 2005 were considered, but found unpersuasive. Applicants filed a Reply to Office Action on February 8, 2006. Applicants likewise filed a Request for Interview on February 15, 2006, requesting an interview prior to the issuance of another Office Action if the Examiner did not consider the application in condition for allowance.

Rather than scheduling an interview as requested, however, the Office issued another Office Action on May 2, 2006. That outstanding Office Action is objectionable and improper on various grounds as set forth below, and should be withdrawn.

Objections to Outstanding Office Action

- The outstanding Office Action issued without the scheduling of an interview as specifically requested by the Applicants. It appears that the Request had been overlooked at the time that the Office Action issued. The undersigned has contacted the Examiner and is presently preparing an interview agenda for such interview; however, the present Action should not have issued prior to such interview and should be withdrawn.
- The outstanding Office Action does not indicate that the prior rejections have been deemed persuasive or that the prior rejections have been withdrawn. Nor does the outstanding Office Action provide an explanation as to why the Applicants' remarks and

amendments have not been deemed persuasive. Accordingly, the rejections of the December 21, 2005 Office Action still remain in the file and are repeated in the present Office Action, placing a cloud over the claims. Applicants have no way of determining why the arguments and amendments were not deemed persuasive, however. As set forth in the MPEP at § 707.07(f), the examiner must answer the substance of Applicants' arguments. As a result, the present Office Action is improper, and should be withdrawn or supplemented.

- The previously filed Reply to Office Action set forth an extensive recitation of the "Distinctive Features of the Present Invention." The outstanding Office Action does not so much as mention this recitation of the Applicants' previously filed Reply. The MPEP, however, specifically states that "If it is the examiner's considered opinion that the asserted advantages are not sufficient to overcome the rejections(s) of record, he or she should state the reasons for his or her position in the record". *Id.* The outstanding Office Action makes no such mention of the features explained in detail in the prior Reply. Accordingly, Applicants have no way of knowing if such features have been considered, or if such features were considered unpersuasive. As a result, the present Office Action is improper, and should be withdrawn or supplemented.
- While the Office has cited new references and has furnished copies of two non-patent references, the copies provided do not show the date of the reference. Accordingly, Applicants are unable to access the appropriateness of the references as prior art to the invention. As a result, the Office Action is improper, and should be withdrawn.

Requested Action

The undersigned is faxing an interview agenda to the Examiner shortly. Accordingly, Applicants request that a telephonic interview be promptly scheduled for a morning time so that Applicants and/or British counsel may likewise attend to the same. Moreover, Applicants respectfully submit that the present Office Action should be withdrawn until such time as the interview has been conducted.

Summary

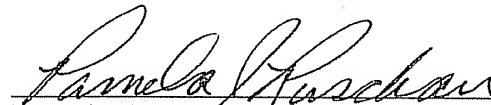
In summary, as explained in greater detail in the prior Reply, the present invention is not disclosed, anticipated by, rendered obvious by, or appreciated by the Hart reference. Applicants

likewise submit that the invention is not anticipated or rendered obvious by the Reed reference presently cited, insofar as Reed is a properly applied prior art reference.

Conclusion

A telephonic interview has been requested and the Examiner is invited to call the undersigned attorney to schedule the same. Applicants respectfully submit that the patent application is in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "Pamela J. Ruschau", is written over a horizontal line.

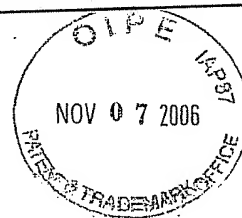
Pamela J. Ruschau, Reg. No. 34,242
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Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: November 2, 2006

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

MAILED: November 2, 2006
Application Number: 09/855,142
Client: Mathisen, Macara & Co.
In Re Application of Lincoln et al.
Filed: May 14, 2001
Attorney Docket Number 211202
Priority Date Claimed: May 15, 2000
Enclosed: Transmittal Sheet (1 page in duplicate) Amendment
and Response to Office Action (7 pages); and return postcard.
PJR/kr

JC



LEYDIG, VOIT & MAYER
RECEIVED

NOV 14 2006

MPM

PAT/TM Due Date

LEYDIG, VOIT & MAYER, LTD.
A PROFESSIONAL CORPORATION
TWO PRUDENTIAL PLAZA, SUITE 4900
CHICAGO, ILLINOIS 60601-6780



To: K. Rodgers
LVM 211202, Mathison



In re Application of Lincoln et al.

Application No. 09/855,142

Filed: May 14, 2001

For: A Method And Apparatus For Asynchronous Information Transactions

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a reply to office action in the subject application.

- ☐ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- ☐ Other:
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE			three-month		\$ 0.00		\$1,020.00	
subtract time extension fee previously paid			none		(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	4	MINUS	20	= 0	x 25 =	\$	x 50 =	\$0.00
INDEPENDENT	2	MINUS	3	= 0	x 100 =	\$	x 200 =	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 180 =	\$	+ 360 =	\$
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$	TOTAL	\$1,020.00

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

11/08/2006 RFEKADU1 00000020 121216 09855142

01 FC:1253 1020.00 DA

Respectfully submitted,

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By Pamela J. Ruschau
 Pamela J. Ruschau, Reg. No. 34,242



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/855,142

Applicant: Lincoln et al.

Filed: May 14, 2001

TC/AU: 2145

Examiner: Choudhury, Azizul Q.

Docket No.: 211202 (Client Reference No. F32396US)

Customer No.: 23460

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

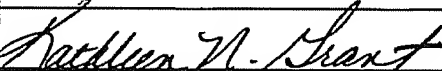
REPLY TO OFFICE ACTION

Sir:

In reply to the Office Action mailed May 2, 2006, please consider the following remarks.

Listing of Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number , <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Kathleen N. Grantz		
Signature		Date	November 2, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

To: PJR cc: _____
LVM 211202, Mathisen

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,142	05/14/2001	Adrian David Lincoln	211202	1124
23460 7590 01/24/2007 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731			EXAMINER CHOUDHURY, AZIZUL Q	
			ART UNIT 2145	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 30 DAYS			MAIL DATE 01/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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FEB 01 2007

PAY/TM Due Date 2-24-07

find 7-24-07

LAH

JC

Interview Summary	Application No.		Applicant(s)	
	09/855,142		LINCOLN ET AL.	
	Examiner		Art Unit	
	Azizul Choudhury		2145	

All participants (applicant, applicant's representative, PTO personnel):

(1) Azizul Choudhury. (3) _____.

(2) Pamela J. Ruschau. (4) _____.

Date of Interview: 1/18/06.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

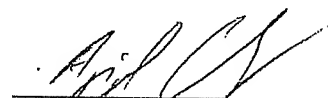
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner called to notify the applicant that a Notice of Non-Responsive Amendment was being sent in response to the amendment received on 11/7/2006. In addition, the examiner notified the applicant that he has still not received an agenda to set up an interview.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available; a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


JASON CARDONE
 SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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To: *PJR*
INTX *211202 Malhisen*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,142	05/14/2001	Adrian David Lincoln	211202	1124

23460 7590 01/24/2007
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

1 MONTH

EXAMINER	
CHOUDHURY, AZIZUL Q	
ART UNIT	PAPER NUMBER
2145	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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JAN 30 2007

PAT/TM Due Date

2-24-07

7-24-07 find

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---------------------------------------------------	---------------------

09/855,142

EXAMINER

ART UNIT

PAPER

20070117

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Response to Amendment

The reply filed on November 7, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The response portion of the amendment received does not address the latest office action sent. In addition, the request to withdraw the latest office action on the merits that an interview was not conducted is denied. An agenda for the interview was requested by the examiner and still has not been received. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC


JASON CARDONE
SUPERVISORY PATENT EXAMINER

In re Application of: Lincoln et al.

Application No. 09/855,142

Confirmation No. 1124

Filed: May 14, 2001

For: Method and apparatus for asynchronous information transactions

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Reply to the Office Communication and Submission of Interview Agenda in the subject application.

☐ Small entity status is claimed for this application under 37 CFR 1.27.

☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

☐ Other:

☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal is enclosed herewith (unless submitted via EFS-Web).

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE			five-month		\$ 0.00		\$2,160.00	
subtract time extension fee previously paid			none		(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	4	MINUS	20	= 0	x 25 =	\$0.00	x 50 =	\$0
INDEPENDENT	2	MINUS	3	= 0	x 100 =	\$0.00	x 200 =	\$0
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 180 =	\$	+ 360 =	\$
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$0.00	TOTAL	\$2,160.00

☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.

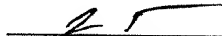
☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD.

LEYDIG, VOIT & MAYER, LTD.
 Two Prudential Plaza, Suite 4900
 180 North Stetson Avenue
 Chicago, Illinois 60601-6731
 (312) 616-5600 (telephone)
 (312) 616-5700 (facsimile)

By 
 Jeffrey N. Turner, Reg. No. 53,707

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/855,142

Applicant: Lincoln et al.

Filed: May 14, 2001

TC/AU: 2152

Examiner: Choudhury, Azizul Q.

Docket No.: 211202 (Client Reference No. F32396US)

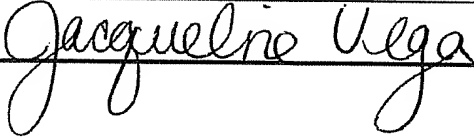
Customer No.: 23460

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICE COMMUNICATION AND
SUBMISSION OF INTERVIEW AGENDA


Sir:

In response to the Office Communication of January 24, 2007, Applicants submit the attached interview agenda for consideration by the Examiner. The undersigned looks forward to the Examiner setting a date for the interview and respectfully asks that the date be set for a morning inasmuch as either someone from the client or our foreign associate intends to participate. Both parties are located in Great Britain.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Jacqueline Vega		
Signature		Date	July 24, 2007

Respectfully submitted,

Date: July 24, 2007



Jeffrey N. Turner, Reg. No. 53,707
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

- 1) Rejections of claims 6 and 9 as anticipated by the article "Proxies for Anonymous Routing" by Michael G. Reed, *et al.*
- 2) Rejections of claims 8 and 10 as rendered obvious by the article "Proxies for Anonymous Routing" by Michael G. Reed, *et al.*
- 3) Background and operation of the Reed, *et al.*, arrangement disclosed in the article "Proxies for Anonymous Routing" in U.S. Patent 5,862,344 to Hart as they relate to the pending claims.
- 4) Rejections of claims 6 and 8-9 as anticipated by U.S. Patent 5,862,344 to Hart.
- 5) Applicants' remarks of December 2, 2005 and February 8, 2006 regarding same.
- 6) Background and operation of the Hart arrangement disclosed in U.S. Patent 5,862,344 to Hart as they relate to the pending claims.
- 7) Status and substance of rejections based upon U.S. Patent 5,862,344 to Hart.

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

First Class Mail

Due Date: July 24, 2007 (if applicable)

Submission:

Reply to Office Communication and Submission of Interview Agenda

☒ Transmittal Total pages 1 ☒ and duplicate copy
☒ Reply to Office Communication and Submission of Interview Agenda Total pages 3

☐ Request for (choose one:). Total pages _____
☐ Copy of "(choose one:)". Total pages _____
☐ Combined Decl. & Power of Atty. Total pages _____
☐ (choose one:) Power of Attorney. Total pages _____
☐ Revocation of Former Powers of Attorney and Appointment of New Attorney. Total pages _____
☐ Assignment Recordation Sheet. Total pages _____

☐ Assignment. Total pages _____
☐ Suppl. Application Data Sheet. Total pages _____
☐ RCE. Total pages _____
☐ Claim of Priority. Total pages _____
☐ Priority Document(s).
☐ (choose one:) Small Entity Status. Total pages _____

☐ Submission of Formal Drawings in duplicate. Total pages _____
☐ Formal Drawings. Total pages _____

☐ PCT Chapter II Demand. Total pages _____
☐ PCT Resp. to Written Opinion. Total pages _____

☐ IDS in duplicate. Total pages _____
☐ Form PTO-1449. Total pages _____
☐ Copies of listed documents
☐ Nucl/Amino Acid Sequence Listing and Statement.
☐ Computer-readable.
☐ Paper Copy. Total pages _____

☐ Petition under 37 CFR _____ in duplicate. Total pages _____
☐ Notice of Appeal in duplicate. Total pages _____
☐ (choose one:) Brief. Total pages _____
☐ Status Inquiry. Total pages _____
☐ Express Abandonment. Total pages _____
☐ Issue Fee Payment in duplicate. Total pages _____
☐ Maintenance Fee Address Form in duplicate. Total pages _____
☐ Certificate of Correction in duplicate. Total pages _____

☒ Other: This return receipt postcard.

Application No. 09/855,142

Docket No. 211202

Client: Mathisen, Macara & Co.

Inventor: Lincoln et al.

Attorney: PJR

Return postcard to: PJR

Mailing Date: July 24, 2007

